IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

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WEDNESDAY, THE TWENTYNINTH DAY OF JULY

TWO THOUSAND AND FIVE

P R E S E N T

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

* * *

WRIT PETITION No.16659 OF 2005

Between:

Bantu Sattemma … Petitioner

Versus

The Principal Secretary (Revenue)

Govt.of AP Hyderabad & Ors. … Respondents

Counsel for the Petitioner : Mr.BSV.PRAKASH KUMAR

Counsel for the Respondents 1 to 4 : GOVT.PLEADER FOR REVENUE

Counsel for the Respondent No.5 & 6 : NONE APPEARED

O R D E R :

This writ petition is filed questioning the Proceedings ROC.No.210/2005 issued by the Mandal Revenue Officer, Gopalapuram, invoking Section 3 (2) of Act 9/1977 i.e., Assigned Lands (POT) Act, 1977 and ordering resumption of the land in an extent of Ac:1-00 in RS.No.343/1 situate at Vellachintalagudem (v) of Gopalapuram Revenue Mandal on the ground that the petitioner has violated the condition of the grant.

It is submitted that the fourth respondent granted 'D' form patta on 17-5-1994 to an extent of land admeasuring Acs:3-74 cents in R.S.No.280/1C/2 of

Vellachintalagudem village of Gopalapuram Revenue Mandal under landless poor for cultivation purpose through ROC.No. 824/92. Since then the petitioner is cultivating the same and paying tax to the Government. Thereafter, the fourth respondent issued pattedar passbook and title deed to the petitioner on the ground that the petitioner is in continuous possession and enjoyment over the said property.

While things stood thus, the fourth respondent served Form NO.1 notice dated 10-5-2005 calling upon the petitioner as to why he should not be evicted from the said land and directed to submit his explanation within 15 days. Thereupon, the petitioner submitted his explanation to the fourth respondent but the fourth respondent instead of considering the explanation of the petitioner, issued the impugned proceedings on the ground that the sixth respondent has sold away the land to the fifth respondent, which is violation of section 3 of Act 9/77.

Aggrieved by the impugned proceedings, the petitioner filed an appeal and sought interim direction to suspend the proceedings of the fourth respondent but the third respondent did not consider the same.

Considering the facts and circumstances of the case, without going into the merits or otherwise, I deem it appropriate to dispose of the writ petition at the admission stage directing the third respondent to consider and dispose of the appeal dated 16-7-2005 filed by the petitioner assailing the impugned proceedings dated 16-6-2005 passed in RC.No.210/2005 by the fourth respondent and pass appropriate order on merits and in accordance with law positively within twelve weeks by affording reasonable opportunity of hearing the petitioner. Till such time, the respondents

shall not dispossess or interfere with the possession and enjoyment of the petitioner over an extent of land admeasuring Acs:3-74 cents lying in RS.No.280/1C/2 of Vellachintalagudem (v) in Gopalapuram Mandal, West Godavari district, as the petitioner had been cultivating the aforesaid land for a period of ten years prior to the issuance of patta and that the petitioner is paying land revenue to the Government since 1992.

With the above direction, the writ petition is disposed of at the admission stage. No costs.

JULY 29th, 2005. ----------

I s L. ELIPE DHARMA RAO , J.